# OHMVR COMMISSION MEETING Mammoth Lakes, CA 93546

**September 25, 2015** 

**STAFF REPORT:** Groundwater Legislation

**STAFF:** Doug Rischbieter, Senior Environmental Scientist

**SUBJECT:** 2014 Sustainable Groundwater Management Act

# **Summary**

The Sustainable Groundwater Management Act of 2014 (SGMA) was landmark legislation that is bringing about one of the most sweeping reforms of California water law in a century. Park managers need to prepare for the possibility that this law, and the reform of groundwater management that it will bring about, can help protect unit resources.

## **Discussion**

This important new law and the groundwater regulation (Groundwater Sustainability Plans), as well as the implementation of the SGMA timeline, would be relevant to the OHMVR Division and other State Park units if:

- there are wells in or near the park unit that cause impacts to local water supplies and aquatic resources (including surface water impacts such as the drying-up of streams) or,
- the park unit is within the boundaries of a designated Groundwater Basin, as defined by Department of Water Resources (DWR) Bulletin 118. (See www.water.ca.gov/groundwater/bulletin118/index.cfm)

Currently, there is an opportunity to provide input to DWR because the "priority" and boundaries of California's Groundwater Basins are being reviewed and updated. (See www.water.ca.gov/groundwater/sgm/pdfs/Engagement%20timeline SGMP%20v02.pdf)

The regulations of the SGMA implementation will focus on "medium-" and "high-priority" Basins, as defined by the DWR's California Statewide Groundwater Elevation Monitoring (CASGEM) program. (See

www.water.ca.gov/groundwater/casgem/basin\_prioritization.cfm) Basin prioritization was historically predicated on water supply shortages induced by groundwater overdraft in a Basin—with a focus generally limited to groundwater levels, recharge, and yield trends. Now, for the first time, "undesirable results" to surface water resources caused

by groundwater extraction is part of the equation. If surface water impacts are occurring to a park unit's water resources and aquatic habitats because of groundwater extraction and management (or mismanagement), it is incumbent upon park managers to make sure that such information is available to DWR and the managers of groundwater in the affected locale.

SGMA has some statutory exclusions of Groundwater Basins that have been adjudicated—that is, where the terms of various users' activities within a Groundwater Basin have been settled by court decree. However, at this point in the process, it should not be concluded that SGMA's protections and benefits are not available. Basin boundaries are potentially changing; every adjudication is different and typically has limits or requirements for periodic review (including annual reporting); and, there is some ambiguity in the new law that may provide the opportunity to seek and obtain avoidance of "undesirable results" in a respective park unit.

## **Commission Action**

For information only

### **Attachments**

Groundwater Legislation Timeline
State Park Units in Select Groundwater Basins Map

#### **Groundwater Legislation Timeline** Jan 1, 2016 DWR adopts regulations to revise basin boundaries. Water Code § 10722.2(b) 2017 Apr 1, 2016 DWR publishes Bulletin 118- Interim Update with updated Basin Boundaries, updated Basin Adjudicated basins submit final judgment to DWR Prioritization, and reissues (as needed) basins and begin submitting annual reports to DWR. subject to critical conditions of overdraft. Water Code § 10720.8(f) Jan 1, 2015 Local Agencies may no Jan 1, 2017 \* Jun 1, 2016 longer adopt or update DWR publishes BMPs for sustainable management of groundwater. GMPs for high and DWR adopts regulations for evaluating medium priority basins. Water Code § 10729(d) and implementing GSPs and coordination 2020 agreements and DWR adopts regulations Water Code § 10750.1 DWR publishes Bulletin 118- Comprehensive Update. for evaluating alternatives to GSPs. Jan 1, 2017 Water Code § 12924 Water Code § 10733.2 Jan 31, 2015 \* Alternative to a GSP due to DWR. Water Code § 10733.6 DWR releases initial Dec 31, 2016 \* basin prioritization. \*\* Jan 31, 2020 Jan 31, 2022 DWR publishes report Water Code § 10722.4 on water avail-Jun 30, 2017 High and medium priority basins identified All other high and medium priority basins able for groundwater subject to critical conditions of overdraft must be managed under a GSP. Establish GSAs (or equivalent) for all replenishment. must be managed under a GSP. Water Code § 10720.7(a)(2) high and medium priority basins. 2015 - 2016 \* Water Code § 10729(c) Water Code § 10720.7(a)(1) Water Code § 10735.2(a) On April 1 following GSP adoption and DWR identifies basins On April 1 following GSP adoption and annually thereafter, GSAs provide report on subject to critical conditions annually thereafter, GSAs provide report progress towards sustainability to DWR. of overdraft. Jul 1, 2017 on progress towards sustainability to DWR. Water Code § 10728 Water Code § 12924(a) Water Code § 10728 County must affirm or disaffirm responsibility as GSA if no GSA has been established. Water Code § 10724(b) 2015 2017 2018 2019 2020 2022 2025 2016 2021 Jun 30, 2017 Jan 31, 2020 Jan 31, 2022 Jan 2021 Board may hold a hearing to designate Board may hold a hearing to designate Board may begin developing interim Board may hold a hearing to designate Jul 1, 2017 a basin as "probationary" if a GSA or a critically-overdrafted basin as plans for critically overdrafted a high and medium priority basin as "probationary" if DWR, in consultation with approved alternative is not established. Board adopts a fee "probationary basins" one year after "probationary" if DWR, in consultation with the Board, determines that the GSP is the probationary designation, if the the Board, determines that the GSP is schedule for "state back-Water Code § 10735.2(a)(1) inadequate or will not achieve sustainability. Board, in consultation with the DWR, inadequate or will not achieve sustainability. stop" related costs. determines that a local agency has Water Code § 10735.2(a)(3) Water Code § 10735.2(a)(5)(A) Water Code § 1529.5 not remedied the deficiency that Water Board Action resulted in the probationary status. **DWR** Action Water Code § 10735.6(b) Dec 15, 2017 Jan 31, 2025 Joint Water Board and DWR Action Jan 1, 2018 Board begins collection of annual reports from Board may designate a basin as Local Action persons extracting more than two acre feet per Board may begin to develop interim plans if a local agency has not "probationary" if DWR, in consultation year from areas not managed by a GSA. Groundwater Management Plan remedied the deficiency that resulted in the "probationary basin" with the Board, determines that the GSP Water Code § 5202 status. The Board consults with DWR. is inadequate or not being implemented Groundwater Sustainability Agency Water Code § 10735.4(c) correctly, and the Board determines that the Groundwater Sustainability Plan basin is in a condition where groundwater Probationary basins may petition for un-designation. The Board extractions result in significant depletion of **Best Management Practices** consults with DWR to determine if the petition is complete. The interconnected surface waters. Elements to be documented in Bulletin 118 Updates Board acts on the petition within 90 days of submittal. Water Code § 10735.2(a)(5)(B) Water Code § 10735.8(g)(2) Basin prioritization will be updated prior to each Bulletin 118 Update (estimated to be every 5 years) December 2014

